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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,078	01/22/2004	Indran Naick	AUS920030681US1	6423
47959 7590 02/04/2008 IBM AUSTIN (ANTHONY ENGLAND) C/O LAW OFFICE OF ANTHONY ENGLAND PO BOX 5307 AUSTIN, TX 78763-5307			EXAMINER NGUYEN, VAN KIM T	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 02/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,078

Applicant(s)

NAICK ET AL.

Examiner

Van Kim T. Nguyen

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/22/04 and 05/27/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to communications filed on January 22, 2004.

Claims 1-22 are pending in the case.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on January 22, 2004 and May 27, 2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "206" has been used to designate both Switch and WAP Gateway.

The drawings are also objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description: System 200 and LUT 225.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitations "the automated call manager" and "the polarity of web pages" and in lines 1 and 3, respectively. There are insufficient antecedent basis for these limitations in the claim since "the automated call manager" and "the polarity of web pages" have not been introduced prior to the instances.

Claims 12-13 depend on claim 11, thus are rejected under the same basis.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waites (US 6,788,769), in view of Warmus et al (US 7,251,234), hereinafter Warmus.

Regarding claims 1 and 15, Waites discloses a method of retrieving information via a network, comprising:

initiating a phone call by entering a dialing sequence on a telephone, wherein the dialing sequence includes at least a telephone number, to make a telephone connection (i.e., step 302; a first user dials a 1-800 number associated with the Directory Service; col. 8: lines 59-60; Figure 4);

responsive to determining that the phone call is a request for web-based information, determining the web-based information requested and determining a network address associated with the phone call (i.e., steps 312-314, the Directory Service determines the first user's selection regarding the selected communication method and allows the first user to access a web site of the second user using a web site address or URL generated from the second user's telephone number; col. 9: lines 21-60; Figure 4).

However, Waites does not explicitly call for generating a network protocol request for the requested web-based information and sending the request to a network server capable of retrieving the information.

Warmus teaches generating a network protocol request for the requested web-based information and sending the request to a network server capable of retrieving the information (i.e., generate a HTTP request and sends the HTTP request to a server, such as server 124, cross-reference database 126 or website database 128; col. 2: line 64 – col. 3: line 58); and

delivering the retrieved information to the network address associated with the phone call (retrieved information is served back to communication device 103; col. 3: lines 45-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Warmus' method of accessing an information resource using Internet Protocol or Wireless Application Protocol in Waites' system in order to provide easier access to websites from different communication-based devices.

Regarding claim 2, Waites-Warmus also discloses determining the phone call is a request for web-based information comprises detecting a sequence appended to the phone number (i.e., the calling party enters the number and requests which type of service desired to be used, e.g., "Press 1 for Cellular, Press 2 for Paging". It is obvious a different sequence, e.g., 3, can be used to indicate the desired service is a web-based service; Waites, col. 10: lines 4-7).

Regarding claim 3, Waites-Warmus also discloses the sequence is appended to the phone number after the phone connection is made (i.e., the calling party enters the number and requests which type of service desired to be used, e.g., "Press 1 for Cellular, Press 2 for Paging". It is obvious a different sequence, e.g., 3, can be used to indicate the desired service is a web-based service; Waites, col. 10: lines 4-7).

Regarding claims 4-5, Waites-Warmus also discloses, responsive to detecting the sequence, determining an IP address of a device associated with the telephone (address of the

website, e.g., URL, corresponding to the telephone number is looked up and served back to communication device 103; Warmus, col. 3: lines 42-50).

Regarding claim 6, Waites-Warmus also discloses initiating the phone call comprises initiating the phone call with landline telephone (e.g., a first user uses telephone 132 to access or communicate with a second user 112A; Waites, col. 5: lines 29-46 and col. 10: lines 40-49).

Regarding claim 7, Waites-Warmus also discloses determining the network address associated with the phone call comprises determining the IP address of a web-connected computer coupled to the telephone (address of the website, e.g., URL, corresponding to the telephone number is looked up and served back to communication device 103; Warmus, col. 3: lines 42-50).

Regarding claim 8, Waites discloses a telephone system, comprising:

a automated call handler configured to receive a telephone call and to determine if the telephone call is a request for web-based information, and a web device to determine web-based information associated with the request and an IP address associated with the telephone call (i.e., steps 312-314, the Directory Service determines the first user's selection regarding the selected communication method and allows the first user to access a web site of the second user using a web site address or URL generated from the second user's telephone number; col. 9: lines 21-60; Figure 4).

However, Waites does not explicitly call for generating an HTTP request for the web-based information.

Warmus teaches , generating an HTTP request for the web-based information, and a web server connected to the web device, the web server being configured to respond to receipt of the HTTP request by retrieving the requested web-based information and sending the retrieved information to the IP address associated with the telephone call (i.e., generate a HTTP request and sends the HTTP request to a server, such as server 124, cross-reference database 126 or website database 128, and delivering the retrieved information to communication device 103 ; col. 2: line 64 – col. 3: line 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Warmus' method of accessing an information resource using Internet Protocol or Wireless Application Protocol in Waites' system in order to provide easier access to websites from different communication-based devices.

Regarding claim 9, Waites-Warmus also discloses the automated call handler is configured to determine if the telephone call is a request for web based information by detecting a specified sequence transmitted as part of the phone call (e.g., double clicking the "SEND"; Warmus; col. 2: lines 27-42).

Regarding claim 10, Waites-Warmus also discloses the specified sequence includes a web request sequence identifying the call as a request for web-based information (e.g., double clicking the "SEND"; Warmus; col. 2: lines 27-42).

Regarding claim 11, Waites-Warmus also discloses a telephone number of the automated call manager is associated with a plurality of web pages and further wherein at least a portion of the specified sequence identifies one of the polarity of web pages as the requested web-based information (col. 3: lines 42-58, and col. 4: lines 13-22).

Regarding claim 12, Waites-Warmus also discloses the specified sequence includes the IP address associated with the telephone call (address of the website, e.g., URL, corresponding to the telephone number is looked up and served back to communication device 103; Warmus, col. 3: lines 42-50).

Regarding claim 13, Waites-Warmus also discloses the system includes a look up table (LUT) having at least one phone number and corresponding information indicative of the IP address of the user (address of the website, e.g., URL, corresponding to the telephone number is looked up in WAP site database 128 and served back to communication device 103; Warmus, col. 3: lines 42-50).

Regarding claim 14, Waites-Warmus also discloses the automated call handler is configured to process the phone call as a voice telephone call if the phone call lacks the specified sequence (e.g., pushing the "SEND" button on the mobile phone 103 to initiate normal phone operation; col. 2: lines 27-30).

Regarding claim 15, Waites discloses a communication service, comprising:

enabling a telephone to initiate a request for web-based information by dialing a dialing sequence having at least, a telephone number (i.e., step 302; a first user dials a 1-800 number associated with the Directory Service; col. 8: lines 59-60; Figure 4).

enabling the telephone to determine an IP address of a web-connected device associated with the telephone number (i.e., steps 312-314, the Directory Service determines the first user's selection regarding the selected communication method and allows the first user to access a web site of the second user using a web site address or URL generated from the second user's telephone number; col. 9: lines 21-60; Figure 4).

However, Waites does call for enabling a call handling system to respond to receipt of the telephone call by generating an HTTP request for the web-based information and sending the request to a web server.

Warmus teaches enabling a call handling system to respond to receipt of the telephone call by generating an HTTP request for the web-based information and sending the request to a web server containing the web-based information (i.e., generate a HTTP request and sends the HTTP request to a server, such as server 124, cross-reference database 126 or website database 128; col. 2: line 64 – col. 3: line 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Warmus' method of accessing an information resource using Internet Protocol or Wireless Application Protocol in Waites' system in order to provide easier access to websites from different communication-based devices.

Regarding claim 16, Waites-Warmus also discloses the telephone comprises a landline telephone and the web-connected device is a web-connected computer to which the telephone is connected (Waites; Figure 1).

Regarding claim 17, Waites-Warmus also discloses the telephone comprises a web-enabled cell phone and the IP address comprises the IP address of the cell phone on the network (e.g., mobile telephone 103; Warmus; col. 3: lines 42-50, Figure 3).

Regarding claim 18, Waites-Warmus also discloses enabling the call handling system to respond to telephone call includes enabling the call handling system to recognize a predetermined sequence appended to the phone call or entered after the phone call is made (e.g., after the phone connection, (i.e., after the connection, the calling party enters the number and requests which type of service desired to be used, e.g., "Press 1 for Cellular, Press 2 for Paging". It is obvious a different sequence, e.g., 3, can be used to indicate the desired service is a web-based service; Waites, col. 10: lines 4-7).

Regarding claim 19, Waites-Warmus also discloses the predetermined sequence includes an IP address associated with the telephone or with a computer connected to the telephone (address of the website, e.g., URL, corresponding to the telephone number is looked up and served back to communication device 103; Warmus, col. 3: lines 42-50).

Regarding claim 20, Waites-Warmus also discloses means for appending the IP address to the phone call (address of the website, e.g., URL, corresponding to the telephone number is looked up and served back to communication device 103; Warmus, col. 3: lines 42-50).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Apparatus and Method for Integrated Voice Gateway, Chang et al (US 7,280,530);
Method and Apparatus for Determining a Telephone Number for Accessing a Target Entity, Low et al (US 7,206,304);
Mobile Web Services, Nykanen (US 7,155,425);
Method and Systems for Accessing Information on a Network Using Message Aliasing Functions having Shadow Callback Function, Osaku et al (US 7,058,726);
Internet Access System and Telephone Directory, Nitta et al (US 6,999,444);
Server for Handling Multimodal Information, Pasternack et al (US 6,859,451);
Method of Connecting Network URL Addresses through Cellular Network, Kalish et al (US 6,842,612);
Method and System for Simplified Access to Internet Content on a Wireless Device, Hunter (US 6,865,608);
Telephone-Based Hypertext Transport Protocol Server, Nelson et al (US 6,628,644); and
Use of Telephone Number as Domain Name and as Applied in Portable Electronic Devices, Gibson et al (US 2002/0016174).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen
Examiner
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January 31, 2008